United Nations CAC/COSP/EG.1/2018/1

Conference of the States Parties to the United Nations Convention against Corruption

Distr.: General
4 April 2018

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Open-ended intergovernmental expert meeting to enhance international cooperation under the United Nations Convention against Corruption
Vienna, 8 June 2018

Annotated provisional agenda

Provisional agenda

1. Opening of the meeting.
2. Adoption of the agenda and organization of work.
3. Implementation of chapter IV of the United Nations Convention against Corruption: lessons learned, good practices and challenges.
4. Civil and administrative proceedings relating to corruption.
5. Tools and services of the United Nations Office on Drugs and Crime to promote international cooperation.
6. Adoption of the report, including conclusions and recommendations.

Annotations

1. Opening of the meeting

The seventh open-ended intergovernmental expert meeting to enhance international cooperation under the United Nations Convention against Corruption will be opened on Friday, 8 June 2018, at 10 a.m.

2. Adoption of the agenda and organization of work

The provisional agenda and proposed organization of work for the meeting were prepared in accordance with Conference of the States Parties to the United Nations Convention against Corruption resolution 7/1, in line with the recommendations agreed on by the sixth open-ended intergovernmental expert meeting (see CAC/COSP/EG.1/2017/3), and taking into account the multi-year workplan adopted by the Implementation Review Group (CAC/COSP/IRG/2017/CRP.2) and the schedule of meetings approved by the extended Bureau at its meeting on 27 August 2017.

In its resolution 7/1, the Conference invited the open-ended intergovernmental expert meeting to propose future agenda items. It also decided that the expert meeting should continue its work by exchanging information on common reasons for refusals and delays in mutual legal assistance requests related to corruption offences under the

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Convention and on international cooperation in civil and administrative proceedings related to cases of corruption and possible measures to protect the confidentiality of the information provided in the context of assistance in criminal, civil and administrative measures.

The resources available will permit the holding of two plenary meetings, on 8 June 2018, with interpretation in the six official languages of the United Nations.

3. Implementation of chapter IV of the United Nations Convention against Corruption: lessons learned, good practices and challenges

In its resolution 7/1, the Conference welcomed the recommendations of the sixth open-ended intergovernmental expert meeting to enhance international cooperation under the Convention. In those conclusions and recommendations, the expert meeting, inter alia, had recommended that States parties should continue their efforts with regard to bridging the gap between different legal systems, particularly in the area of criminal procedure and evidence standards, by using the Convention as a legal basis, and by concluding detailed bilateral treaties and arrangements on mutual legal assistance.

In the same resolution, the Conference requested the Secretariat to continue, within existing resources, to collect statistics or other relevant information on the use of the Convention as a legal basis for mutual legal assistance and to make the information available to the Conference.

The sixth open-ended intergovernmental expert meeting to enhance international cooperation under the United Nations Convention against Corruption, held in Vienna on 6 and 7 November 2017, recommended that the Secretariat continue its work on the analysis of practical challenges arising in the work of central authorities responsible for requests under the United Nations Convention against Corruption with a view to strengthening their effectiveness and efficiency.

The sixth expert meeting also recommended that the Secretariat organize for the seventh expert meeting a thematic panel discussion dedicated to the problem of requesting mutual legal assistance from safe havens with regard to those who committed corruption offences under the Convention.

The Secretariat will update the seventh expert meeting on progress made in the implementation of the above-mentioned mandates.

The Secretariat will also provide a brief update on the findings of country reviews that pertain to the implementation of chapter IV of the Convention.

Additionally, a panel discussion will be organized on common challenges faced by countries when requesting and responding to requests for mutual legal assistance, as well as existing good practices in that area.

Documentation

Note by the Secretariat on progress in implementing the mandates of the open-ended intergovernmental expert meeting to enhance international cooperation under the United Nations Convention against Corruption (CAC/COSP/EG.1/2018/2)

Statistical information on the use of the United Nations Convention against Corruption as a legal basis for mutual legal assistance and in relation to civil and administrative proceedings and asset recovery (CAC/COSP/EG.1/2018/3)

4. Civil and administrative proceedings relating to corruption

In its resolution 7/1, the Conference, inter alia, decided that the expert meeting should continue its work by exchanging information on best practices and challenges on international cooperation in civil and administrative proceedings related to cases of corruption and possible measures to protect the confidentiality of the information provided in the context of assistance in criminal, civil and administrative measures.

In the same resolution, the Conference, inter alia, requested the Secretariat to continue, within existing resources, to collect statistics or other relevant information on the use of the Convention as a legal basis for mutual legal assistance, where appropriate and consistent with domestic legal systems, in relation to civil and administrative proceedings, and to make the information available to the Conference.

The Secretariat will inform the meeting of progress made in the implementation of the above-referenced mandates.

Participants may wish to exchange views on the practical issues relevant to international cooperation in civil and administrative matters, including experiences, challenges and good practices.

Documentation

Note by the Secretariat on progress in implementing the mandates of the open-ended intergovernmental expert meeting to enhance international cooperation under the United Nations Convention against Corruption (CAC/COSP/EG.1/2018/2)

5. Tools and services of the United Nations Office on Drugs and Crime to promote international cooperation

The sixth expert meeting recommended that the Secretariat should continue its work on the provision of technical assistance in the area of international cooperation, focusing on capacity-building and closing gaps in the domestic legislation of developing countries.

The sixth expert meeting also recommended that the Secretariat should continue its work on maintaining the online directory of competent national authorities.

Under this agenda item, the Secretariat will provide information on tools and services to promote international cooperation, including progress made in its work on the development of the online directory of central authorities, in line with the above-mentioned mandates.

Participants may wish to exchange views and experiences on capacity-building priorities to address challenges encountered in the area of international cooperation to combat corruption.

Documentation

Note by the Secretariat on progress in implementing the mandates of the open-ended intergovernmental expert meeting to enhance international cooperation under the United Nations Convention against Corruption (CAC/COSP/EG.1/2018/2)

6. Adoption of the report, including conclusions and recommendations

The seventh expert meeting is to adopt a report, the draft of which will be prepared by the Secretariat, that will include its conclusions and recommendations.

Annex

Proposed organization of work

Date and time	*Agenda item*	*Title or description*
Friday, 8 June 2018		
10 a.m.–1 p.m.	1	Opening of the meeting
	2	Adoption of the agenda and organization of work
	3	Implementation of chapter IV of the United Nations Convention against Corruption
3–6 p.m.	4	Civil and administrative proceedings relating to corruption
	5	Tools and services of the United Nations Office on Drugs and Crime to promote international cooperation
	6	Adoption of the report, including conclusions and recommendations

United Nations CAC/COSP/EG.1/2018/2

Conference of the States Parties to the United Nations Convention against Corruption

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5 April 2018

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Open-ended intergovernmental expert meeting to enhance international cooperation under the United Nations Convention against Corruption
Vienna, 8 June 2018
Item 5 of the provisional agenda*
Tools and services of the United Nations Office on Drugs and Crime to promote international cooperation

Progress in implementing the mandates of the open-ended intergovernmental expert meeting to enhance international cooperation under the United Nations Convention against Corruption

Note by the Secretariat

I. Introduction

1. In its resolution 4/2, entitled "Convening of open-ended intergovernmental expert meetings to enhance international cooperation", the Conference of the States Parties to the United Nations Convention against Corruption decided to convene open-ended intergovernmental expert meetings on international cooperation to advise and assist it with respect to extradition and mutual legal assistance, and to convene one such meeting during its fifth session and, prior to that, within existing resources, at least one intersessional meeting.

2. In the same resolution, the Conference also decided that the expert meetings should perform the following functions: (a) assist it in developing cumulative knowledge in the area of international cooperation; (b) assist it in encouraging cooperation among relevant existing bilateral, regional and multilateral initiatives and contribute to the implementation of the related provisions of the United Nations Convention against Corruption under the guidance of the Conference; (c) facilitate the exchange of experiences among States by identifying challenges and disseminating information on good practices to be followed in order to strengthen capacities at the national level; (d) build confidence and encourage cooperation between requesting and requested States by bringing together relevant competent authorities, anti-corruption bodies and practitioners involved in mutual legal assistance and extradition; and (e) assist the Conference in identifying the capacity-building needs of States.

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3. At its fifth to seventh sessions, the Conference decided to continue to convene the expert meetings. The first to sixth expert meetings were held annually from 2012 to 2017.

4. The present note has been prepared to inform the seventh expert meeting of the status of implementation of its recommendations and those of the Conference relating to international cooperation. Its purpose is to assist the expert meeting in its deliberations and in determining its future activities.

5. In its resolution 7/1, the Conference of the States Parties called upon States parties that used electronic tools and systems for processing and tracking international requests for assistance to continue to share with the Secretariat, for further dissemination, information on such tools and systems.

6. In the same resolution, the Conference welcomed the recommendations of the sixth open-ended intergovernmental expert meeting to enhance international cooperation under the Convention and decided, inter alia, that the meeting should continue its work by exchanging information on best practices and challenges on:

(a) Common reasons for refusals and delays in mutual legal assistance requests related to corruption offences under the Convention, with a view to proposing innovative solutions;

(b) International cooperation in civil and administrative proceedings related to cases of corruption and possible measures to protect the confidentiality of the information provided in the context of assistance in criminal, civil and administrative measures.

7. Also in the same resolution, the Conference requested the Secretariat to continue, within existing resources, to collect statistics or other relevant information on the use of the Convention as a legal basis for mutual legal assistance, unless a bilateral and regional arrangement applied, and, where appropriate and consistent with domestic legal systems, in relation to civil and administrative proceedings and asset recovery, and to make the information available to the Conference.

8. The sixth open-ended intergovernmental expert meeting to enhance international cooperation under the United Nations Convention against Corruption, held in Vienna on 6 and 7 November 2017, recommended that the Secretariat should continue its work on the analysis of practical challenges arising in the work of central authorities responsible for requests under the Convention against Corruption, with a view to strengthening their effectiveness and efficiency.

9. The sixth expert meeting also recommended that the Secretariat explore the feasibility of developing a practical guide containing considerations relating to how requests for mutual legal assistance of a *de minimis* nature should be handled.

10. The present document has been prepared pursuant to the mandates contained in Conference resolution 7/1 and the recommendations of the sixth expert meeting.

11. It also contains information on technical assistance and other activities of the Secretariat in the field of international cooperation under the Convention.

12. In order to facilitate the implementation of the above-mentioned mandates, on 9 February 2018, the Secretariat sent to States parties a note verbale seeking information on the issues identified above.

13. As at 15 March 2018, 13 States parties had provided responses.

14. The extent of the information provided varied: a few States provided comprehensive information and some provided limited information. All responses received from States parties containing substantive information are summarized below. The Secretariat will continue to analyse the information received from States and will make it available to future expert meetings.

II. Electronic tools and systems for processing and tracking international requests for assistance

15. The present section contains summaries of the responses received from States parties in response to the request contained in the note verbale dated 9 February 2018 for information on the use of electronic tools and systems for processing and tracking international requests for assistance.

Argentina

16. Argentina reported that it used a software programme for criminal and civil cooperation and child abduction cases. The programme, which was custom-made stand-alone software, was called "DAJINGES". While it could be made available to other States parties, it would first need to be upgraded and adapted. Using the software, documents could be identified, the lawyer in charge of a case could be designated, files could be classified, statistics could be created on incoming and outgoing requests and deadlines could be monitored. It also served as an important database and could create statistics on incoming and outgoing requests. However, it did not keep track of the length of time needed to respond to incoming requests and was not able to draft outgoing requests or scan incoming requests in order to work fully on electronic files.

17. Since the software was custom-made for the central authority, it was not possible to specify the cost of implementation. The programme was intuitive and easy to use and only required a short period of training. It could run on standard information technology systems. Argentina stated that the use of the software had produced improvements in terms of the quality of responses to requests and efficiencies in terms of the timely follow-up to requests and that it had facilitated the reporting on international cooperation.

Australia

18. Australia used a custom-built software programme for its database on mutual legal assistance and extradition. Australia was in the process of rebuilding the database, using existing, off-the-shelf, database-building software. The database formed part of a group of the case-management systems that were currently utilized (with templates and records management). The rebuilding of the database was intended to avoid duplication of systems and create greater connectivity between them. The main functionalities of the software were described as capturing information on crime type, status of matters, allocated case officers, assistance sought, next actions required and critical dates (e.g. extradition surrender dates) and whether ministerial consideration was required. Case officers were provided with training upon assignment on the use of the database. The database was largely self-explanatory and did not require extensive training, although refresher courses were also run and encouraged. Australia did not use the existing system to draft outgoing requests; it relied on a series of templates for that purpose.

19. The central authority in Australia operated a paperless system to the extent that hard-copy documents received were scanned and kept in the electronic management system. The database could generate reports and statistics about the progress of cases, numbers of active and closed cases, case numbers allocated per officer and cases by requesting or requested country and crime type. The database did not capture statistics on the time taken to advance requests (although this was being explored in the rebuilding exercise). Owing to the time that had elapsed since it was built, information on costs of implementation and system requirements was not readily available. Such information would be captured during the current redevelopment and would be available for future reports.

20. The quality of requests was maintained through the country's broader knowledge management process, which was kept as a combination of country-specific information to inform requests and templates. They were distinct from the database,

which captured statistical and case status information. However, the system enabled supervisors and managers to assess the status of current requests and prioritize cases accordingly. The system was dependent upon the accuracy of the information included and contained in connection with the relevant case. The software was frequently used to assess and inform the reporting obligations of Australia and to inform discussions on engagement with foreign counterparts (e.g. assessments of other countries).

Austria

21. Austria submitted a comprehensive brochure on the use of information technology applications in the country's justice system (eJustice Austria). In Austria, the main components for case management and electronic communication were currently the Austrian Case Automation and the Electronic Legal Communication systems, which were both custom-made products. Austrian Case Automation currently handled 66 different types of proceedings and reflected the country's strategic approach to developing comprehensive information technology solutions. Austria was also in the process of establishing fully digital case management and electronic communication as part of the strategic initiative "Justiz 3.0". The Austrian Case Automation and the Electronic Legal Communication systems required a certain amount of user training. Both systems integrated word-processing, using metadata from case-management systems to support the drafting of court documents.

22. The ability to scan incoming requests and work solely on electronic files (paperless) was described as one of the top priorities of "Justiz 3.0". Currently, paper documents were scanned at four pilot courts; however, Austria was testing a centralized solution for digitization. Austria stated that the use of the software had produced improvements in terms of the quality of responses to requests and efficiencies in terms of the timely follow-up to requests and that it had facilitated reporting on international cooperation.

Hungary

23. Hungary reported that the case-management system of the prosecution service registered all incoming and outgoing requests for legal assistance. The system, however, did not contain statistical data about the content of the requests, as its purpose was to register and track the execution of the requests. That also meant that it did not have exact data on the frequency of the usage of a particular international legal instrument. Hungary reported that its prosecution service used a normal commercial software for sending requests, with specific security add-ons handled by its information technology section. Requests sent by email or fax would be processed in the same way as those received in hard copy by post.

24. The preparation, reception, registration and processing of international assistance requests in criminal matters was carried out by the police through an integrated case-administration, case-processing and electronic records management system called "Robotzsaru". It was a complex system that was used not only for the handling of requests for legal assistance, but for all types of cases carried out by the criminal organs of the police.

25. The National Defence Service used the Secure Information Exchange Network Application of the European Union Agency for Law Enforcement Cooperation for the sending and receiving of international requests; the system was run by the Hungarian National Police Headquarters (ORFK).

Lithuania

26. Lithuania reported that the Ministry of Justice, as the central authority for mutual legal assistance and extradition cases, did not use a special software programme for managing incoming and outgoing requests for international cooperation. The Ministry used the common electronic system, the so-called "documents management system", which covered all the communications sent and received by the Ministry of Justice, including those in the area of judicial cooperation.

27. The Prosecutor General's Office used several data-management systems. One of them had, among others, a module on international cooperation in criminal matters that was part of a more comprehensive case-management system. It was custom-made software adapted to the needs of the Office. The programme was used to register incoming and outgoing mutual legal assistance and extradition requests, as well other matters related to international cooperation. It was not possible to use the software to draft outgoing requests or to scan incoming requests and work fully on electronic files. The software could be used to create statistics to some extent. However, the existing digital data-management systems within the Prosecutor General's Office were unable to filter the statistics by specific criteria, such as the legal basis for mutual legal assistance or extradition or offences for which assistance had been requested.

28. Lithuania stated that the use of the software had not produced improvements in terms of the quality of responses to requests or efficiencies in terms of the timely follow-up to requests. However, the use of the software had facilitated reporting on international cooperation.

Armenia

29. In Armenia, neither the Prosecutor General's Office nor the Ministry of Justice used special software systems in the field of international cooperation.

Republic of Korea

30. The Republic of Korea responded that it did not use any electronic tools or systems other than universal software applications such as Microsoft Excel.

Norway

31. Norway informed the Secretariat that incoming and outgoing requests for international cooperation were handled using ordinary case-handling systems, both by the Government and by law enforcement agencies. The software was not customized. The main function of the systems was to process and track all cases at the agencies in question. Hence, they were not stand-alone systems. The software made it possible to work fully electronically, but the different systems did not communicate with each other.

III. Common reasons for refusals and delays in mutual legal assistance requests related to corruption offences under the Convention, with a view to proposing innovative solutions

32. The present section contains a summary of the responses received from States parties in response to the request in the note verbale mentioned above for information on best practices and challenges on common reasons for refusals and delays in mutual legal assistance requests related to corruption offences under the Convention, with a view to proposing innovative solutions.

33. Argentina, Australia, Denmark, Hungary, Kuwait, Norway and the Republic of Korea reported that reasons for delays in responding to mutual legal assistance requests were related to the incompleteness of the requests, insufficient supporting materials provided by the requesting State and a lack of clarity in the submitted information. Examples included unclear descriptions of the underlying criminal acts (Hungary) or insufficient description of the relevant facts necessary to enable the issuance of search warrants (Republic of Korea). Those deficiencies often resulted in the return of the requests to requesting States in order for the necessary information to be supplied. Lithuania also mentioned that a common ground for refusal to execute requests had been non-compliance with the form and content of requests required by international treaties.

34. Hungary and Norway listed national security concerns as grounds for refusal to provide mutual legal assistance. Additionally, Norway listed the risks of violation of its sovereignty, public policy or other significant interests as reasons for refusal.

35. Lithuania and Norway reported that the absence of dual criminality was also a common ground for refusal.

36. Lithuania listed the expiration of applicable statutes of limitation as a ground for refusing to execute mutual legal assistance requests.

37. Australia noted that, where the requested assistance would interfere with an Australian investigation or prosecution, the Australian authorities could refuse to provide or delay the provision of the assistance or provide it only under certain conditions. For example, if original material was sought from an executing agency, that agency could provide copies of the material and hold the original material until the Australian prosecution had been concluded. If providing information to the requesting State would expose Australia's investigation and hinder prosecution, the Australian executing agency might delay or decline to provide the assistance.

38. Australia stressed that the nature or severity of punishment was another obstacle that had hindered its ability to provide international cooperation in certain cases. Under the Mutual Assistance in Criminal Matters Act of 1987, the Attorney-General of Australia or his/her representative generally had to refuse to provide assistance if a person had been arrested or detained on suspicion of having committed, been charged with or convicted of an offence for which the death penalty could be applied. An exception was when the foreign country provided an undertaking that the death penalty would not be imposed or, if the death penalty was imposed, that it would not be carried out.

39. Australia highlighted that the biggest challenge to its ability to respond to requests was managing the expectations of requesting States, as well as managing competing priorities with finite resources. Lithuania also reported that delays were usually caused by the extent of the procedural actions requested and the high volume of information requested.

40. With regard to innovative solutions, Australia, Hungary, Norway and the Republic of Korea suggested that preliminary informal contacts between the requesting and requested States could be used to minimize delays and solve problems related to the content of mutual legal assistance requests and to insufficient information.

41. In that regard, Australia noted that it had maintained an extensive liaison network to ensure proper consultation with foreign jurisdictions. In addition to liaising with foreign central authorities to monitor outstanding requests, the Attorney-General's Department of Australia could assist foreign countries in preparing extradition and mutual legal assistance requests. The Department also maintained a website with extensive information on international cooperation, including a detailed description of the procedure for executing incoming and outgoing requests, statistics, links to relevant legislation and treaties and a checklist for preparing a mutual legal assistance request for Australia. It also provided technical and capacity-building assistance to countries in the Pacific region and in South-East Asia in the area of international cooperation in criminal matters. At the law enforcement level, the Australian Federal Police had an extensive international network, with officers posted across the world. The network provided police-level cooperation and assistance, as well as liaison support for extradition and mutual legal assistance requests to and from Australia. Australia suggested that those measures could avoid delays in the processing or refusals of mutual legal assistance requests.

42. Argentina suggested that the creation of a website with information on the applicable treaties and mutual legal assistance and extradition templates could be a useful tool that would allow requesting States to appropriately satisfy the requirements. Norway also mentioned that the use of a standardized template for sending requests could be useful.

43. Argentina also suggested conducting additional capacity-building activities to enhance the use of the Convention as a legal basis for extradition and mutual legal assistance. Such activities could increase awareness among the practitioners regarding the use of the Convention as a legal basis.

IV. International cooperation in civil and administrative proceedings related to cases of corruption and possible measures to protect the confidentiality of the information provided in the context of assistance in criminal, civil and administrative measures

44. The present section contains a summary of the responses received from States parties in response to the request in the note verbale mentioned above for information on best practices and challenges on international cooperation in civil and administrative proceedings related to cases of corruption and suggestions for possible measures to protect the confidentiality of the information requested for the purposes of civil and administrative proceedings related to cases of corruption in the requesting country, where the relevant matter was addressed by criminal proceedings in the requested country.[1]

45. Argentina, Denmark and Norway reported that they had limited or no experience in international cooperation in civil and administrative proceedings related to cases of corruption.

46. Australia and Romania highlighted that, based on their approaches to mutual legal assistance, assistance could be provided only with regard to criminal measures.

47. Lithuania reported that it could provide assistance in administrative matters when the underlying act was subject to administrative punishment only and where it was impossible to apply criminal proceedings.

48. On the other hand, Kuwait noted that there had been no obstacles in its legal system to providing assistance in civil and administrative measures. Argentina also reported the same with regard to civil measures.

49. With regard to specific suggestions on measures to protect the confidentiality of the information provided in the context of assistance in criminal, civil and administrative measures, the Republic of Korea recommended making confidentiality an explicit requirement when submitting the request. Kuwait underscored that, in order to protect the confidentiality of information provided in the context of assistance in criminal civil and administrative procedures, it would be appropriate to coordinate and consult between the parties involved. Kuwait also suggested that a procedural guideline could be developed containing the rules and procedures of States parties to be followed to strengthen the protection of the confidentiality of information requested for the purposes of civil and administrative proceedings related to cases of corruption.

V. Use of the Convention as a legal basis for mutual legal assistance, unless a bilateral and regional arrangement applies, and, where appropriate and consistent with domestic legal systems, in relation to civil and administrative proceedings and asset recovery

50. The present section contains a summary of the responses received from States parties in response to the request in the note verbale mentioned above for information,

[1] For more information on this issue, see document CAC/COSP/2017/2 and section II of document CAC/COSP/EG.1/2017/2.

including statistics and cases, on the use of the Convention as a legal basis for mutual legal assistance and, where appropriate and consistent with domestic legal systems, in relation to civil and administrative proceedings.

51. Australia, Austria, Denmark, Hungary, Lithuania and the Republic of Korea indicated that they had not kept statistical information on the use of the Convention as a legal basis for mutual legal assistance requests. Australia reported that specifying the Convention as a legal basis for requests had been an element considered as part of the redevelopment of the Australian database for mutual legal assistance. Armenia highlighted that it had not received or sent any mutual legal assistance requests under the Convention.

52. At the same time, Kuwait and Lithuania indicated in their responses that the Convention could and would be used as a legal basis when necessary, including in civil and administrative matters.

53. Argentina reported that, according to its information system, which had been introduced in 2010, the Convention was used as a legal basis in 20 per cent of mutual legal assistance requests.

54. Romania recorded the use of the Convention as a legal basis in 13 active mutual legal assistance requests and 4 passive mutual legal assistance requests in 2017; 5 active mutual legal assistance requests and 3 passive mutual legal assistance requests in 2016; and 13 active mutual legal assistance requests and 3 passive mutual legal assistance requests in 2015.

VI. Practical challenges arising in the work of central authorities responsible for requests under the United Nations Convention against Corruption

55. The present section contains a summary of the responses received from States parties in response to the request in the above-mentioned note verbale for information on practical challenges arising in the work of their central authorities responsible for requests under the Convention against Corruption.

56. The information received from States on practical challenges arising in the work of their central authorities to some extent echoed the information provided in regard to the common reasons for refusals and delays in mutual legal assistance as summarized under section III above.

57. Argentina, Hungary, Lithuania and the Republic of Korea reported that differences in legal systems presented a challenge for the operations of their central authorities.

58. Challenges related to the translation of documentation and to language barriers were reported by Argentina, Hungary and Lithuania.

59. Argentina and Kuwait highlighted incomplete requests, in both form and substance, as a challenge.

60. Argentina also noted that the large amount of information received by its central authority on a daily basis was a challenge.

61. Possible suggestions for addressing relevant challenges included having prior contacts before the submission of requests (Hungary) and creating guidelines on providing and requesting mutual legal assistance based on the Convention (Kuwait).

62. At the same time, Norway and Romania reported no particular challenges in the work of their central authorities responsible for mutual legal assistance requests.

VII. Considerations relating to how requests for mutual legal assistance of a *de minimis* nature should be handled

63. The present section contains a summary of the responses received from States parties in response to the request in the above-mentioned note verbale for information on their relevant authorities' approaches and practices to the handling of mutual legal assistance requests of a *de minimis* nature.

64. Argentina, Hungary and the Republic of Korea reported that they had not applied *de minimis* criteria to incoming mutual legal assistance requests.

65. Denmark, Norway and Lithuania reported that they had no specific rules or experiences in handling mutual legal assistance requests of a *de minimis* nature. Lithuania highlighted that, in practice, all requests had been treated equally.

66. On the other hand, Australia reported that section 8 of its Mutual Assistance in Criminal Matters Act had provided for a number of grounds of refusal, including *de minimis* considerations. The Australian International Crime Cooperation Central Authority had an established process for considering and responding to incoming mutual legal assistance requests, taking into account all the circumstances of each case and the resources available to respond. If a request was refused, the Authority provided reasons to the requesting State to assist in consideration of further steps for the particular case and to inform future requests.

VIII. Online directory of competent national authorities

67. The sixth expert meeting had recommended that the Secretariat continue its work on maintaining the online directory of competent national authorities (available at www.unodc.org/compauth_uncac/en/index.html).

68. Further to that recommendation, the Secretariat continued to update the online directory.

69. As of March 2018, the directory contained information on the following:

(a) Central authorities for mutual legal assistance in 129 States parties;

(b) Prevention authorities in 112 States parties;

(c) Asset recovery focal points in 80 States parties;

(d) Central authorities on extradition in 23 States parties;

(e) Focal points for international cooperation in the use of civil and administrative proceedings in 32 States parties.

IX. Technical assistance and other activities relevant to international cooperation under the United Nations Convention against Corruption

70. The United Nations Office on Drugs and Crime (UNODC) continued to provide capacity-building and advisory services at the regional and national levels and to participate in meetings and conferences aimed at coordinating international cooperation among States parties. Furthermore, UNODC continued to provide technical assistance in relation to asset recovery, which frequently overlapped with technical assistance needs related to international cooperation based on the Convention. A detailed description of those technical assistance activities is contained in the note by the Secretariat on progress made in the implementation of asset recovery mandates (CAC/COSP/WG.2/2018/2).

71. Representatives of UNODC participated in the third Group of 20 Anti-Corruption Working Group meeting, held in Vienna in September 2017, and presented

a paper entitled "Practical trends and challenges in international cooperation in corruption matters: observations from the United Nations Convention against Corruption Implementation Review Mechanism".

72. The information contained in the paper built on that collected from 160 country reviews completed in the first cycle of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption and focused on several practical issues related to the implementation of chapter IV of the Convention (International cooperation), including domestic legal framework, legal basis for international cooperation and use of the Convention for that purpose, central authorities and regulated time frames and simplified procedures and consultations in international cooperation.

73. The paper indicated a trend towards a convergence among countries belonging to different legal traditions, languages or regions.

74. Despite the fact that many countries had in place a wide array of normative and practical tools to meet the requirements of the Convention, a number of difficulties were identified at the operational level, including inadequate domestic legal frameworks, lack of awareness regarding the opportunities that the Convention and other international instruments provided to domestic practitioners, problems in domestic inter-agency cooperation and inadequate resources provided to central authorities and other domestic agencies tasked with different mandates related to international cooperation. The need to further enhance their capacities was also identified.

75. The paper also highlighted that the challenges had been identified in developing countries and countries with economies in transition, which could be seen as an indication that capacity-building support and awareness-raising and increased exposure to networks and forums where international cooperation was discussed could assist in addressing some of those shortcomings.

76. In October 2017, UNODC organized a regional workshop on international cooperation in financial investigations, money-laundering and recovery of assets for law enforcement, prosecutors and financial intelligence units from six countries in South Asia. It was held in Colombo. The workshop was organized pursuant to the request of the participating countries and focused on the recommendations stemming from the first cycle of the Implementation Review Mechanism. The main goals of the workshop were to assist in enhancing the capacity of law enforcement agencies and financial intelligence agencies and to enable mutual assistance in legal matters in the region, including through channels of informal cooperation.

77. In February 2018, UNODC participated in the regional conference on the prevention and fight against terrorism and the proliferation of weapons of mass destruction and its financing in Latin America and the Caribbean, which was held in Panama City. During the event, the links between terrorism financing, organized crime, corruption and money-laundering were highlighted and the importance of using the Convention against Corruption and the United Nations Convention against Transnational Organized Crime as legal bases for mutual legal assistance requests was emphasized.

X. Conclusions and recommendations

78. While the Secretariat continues to collect additional information from States parties pursuant to the mandates contained in Conference resolution 7/1 and the recommendations of the expert meeting, at the time of the preparation of the present report, the majority of States parties had not yet provided the information requested.

79. The seventh expert meeting may nevertheless wish to provide further guidance to the Secretariat on whether certain issues highlighted in the responses already received deserve additional consideration.

80. In particular, the expert meeting may wish to consider whether the development of standardized templates for mutual legal assistance requests, as well as the development of guidelines on providing and receiving mutual legal assistance based on the Convention, should be further considered.

81. The expert meeting may also wish to consider whether additional actions should be undertaken by the Secretariat to ensure the implementation of the relevant mandates.

United Nations CAC/COSP/EG.1/2018/3

Conference of the States Parties to the United Nations Convention against Corruption

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4 April 2018

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Seventh open-ended intergovernmental expert meeting to enhance international cooperation under the United Nations Convention against Corruption
Vienna, 8 June 2018
Item 3 of the provisional agenda*
Implementation of chapter IV of the United Nations Convention against Corruption: lessons learned, good practices and challenges

Statistical information on the use of the United Nations Convention against Corruption as a legal basis for mutual legal assistance and in relation to civil and administrative proceedings and asset recovery

Note by the Secretariat

I. Introduction

1. In its resolution 7/1, the Conference of the States Parties to the United Nations Convention against Corruption requested the Secretariat to continue, within existing resources, to collect statistics or other relevant information on the use of the Convention as a legal basis for mutual legal assistance, unless a bilateral and regional arrangement applied, and, where appropriate and consistent with domestic legal systems, in relation to civil and administrative proceedings and asset recovery, and to make the information available to the Conference.

2. In order to facilitate the implementation of those mandates, the Secretariat sent States parties a note verbale dated 9 February 2018 requesting information on the issues identified above.

3. A summary of the information received by 15 March 2018 is included in the document on the progress in implementing the mandates of the open-ended intergovernmental expert meeting to enhance international cooperation under the United Nations Convention against Corruption (CAC/COSP/EG.1/2018/2), submitted to the expert meeting.

4. In furtherance of the implementation of the mandate, the Secretariat also reviewed the information that had already been provided by States parties for the purposes of the directory of competent national authorities, as well as the information collected during the first review cycle of the Mechanism for the Review of

* CAC/COSP/EG.1/2018/1.

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Implementation of the United Nations Convention against Corruption. A summary of that information is provided below.

II. Mutual legal assistance

5. A total of 84 States parties explicitly confirmed their ability to use the Convention as a basis for mutual legal assistance. A total of 30 States highlighted their ability to use the Convention as a legal basis for mutual legal assistance in their official notifications for the purposes of the online directory of competent national authorities, while the information on other States was collected during the review process.

6. Based on the information provided during the reviews, it appears that, in practice, even more States are able to cooperate using the Convention as a basis. Many States reported that they did not require a legal basis for mutual legal assistance and would be able to provide it based on the principle of reciprocity. Those States would also often consider the status of the requesting jurisdiction as a State party to the Convention as a favourable factor while deciding on the provision of the requested assistance. Few States, however, reported actual mutual legal assistance cases that were based solely on the Convention.

7. If States were unable to use the Convention as a legal basis for mutual legal assistance, it was primarily the result of the requirements of their domestic legal systems to implement the international cooperation provisions of the Convention through domestic legislation.

III. Civil and administrative proceedings

8. As at 15 March 2018, the Secretariat had not been provided with comprehensive information on the use of the Convention as a legal basis, where appropriate and consistent with domestic legal systems, in relation to civil and administrative proceedings. However, given that 32 States parties have notified the Secretariat of their focal points for international cooperation in the use of civil and administrative proceedings,[1] it is likely that those States are able to provide such cooperation with reference to the Convention as a legal basis.

IV. Asset recovery

9. A total of 24 States parties informed the Secretariat of their ability to use the Convention as a legal basis for the purpose of asset recovery. In the context of the second cycle of the Implementation Review Mechanism, one State party reported that the Convention had been used in a case that resulted in the return of stolen assets.

V. Conclusions

10. The Secretariat is continuing to collect additional information from States parties on the use of the Convention as a legal basis for mutual legal assistance, pursuant to the mandates contained in Conference resolution 7/1; however, certain observations may be drawn from the information already available.

11. Although the Convention can in theory be used for purposes of mutual legal assistance by many States, few cases of such use were reported.

[1] Recent statistical information from the online directory of competent national authorities, including information on central authorities for mutual legal assistance, asset recovery focal points, central authorities on extradition and focal points for international cooperation in the use of civil and administrative proceedings is contained in document CAC/COSP/EG.1/2018/2.

12. Additional information is required on the use of the Convention as a legal basis in relation to civil and administrative proceedings and asset recovery in order to draw comprehensive conclusions. Such information is expected to be available after the completion of the second cycle of the Implementation Review Mechanism.

13. The Secretariat will continue to collect and analyse relevant information and provide it to future open-ended intergovernmental expert meetings to enhance international cooperation under the United Nations Convention against Corruption.

United Nations CAC/COSP/EG.1/2018/4

Conference of the States Parties to the United Nations Convention against Corruption

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Report of the seventh open-ended intergovernmental expert meeting to enhance international cooperation under the United Nations Convention against Corruption, held in Vienna on 8 June 2018

I. Introduction

1. In resolution 4/2, entitled "Convening of open-ended intergovernmental expert meetings to enhance international cooperation", adopted by the Conference of the States Parties to the United Nations Convention against Corruption at its fourth session, held in Marrakech, Morocco, from 24 to 28 October 2011, the Conference decided to convene open-ended intergovernmental expert meetings on international cooperation to advise and assist it with respect to extradition and mutual legal assistance.

2. In its resolution 5/1, the Conference directed the open-ended intergovernmental meeting of experts on international cooperation to continue studying the issue of the identification and analysis of existing obstacles to law enforcement cooperation in the detection of corruption offences in the framework of the Convention and to draw up recommendations on how those obstacles may be overcome.

3. In its resolution 7/1, the Conference invited the open-ended intergovernmental expert meeting to propose future agenda items. It also decided that the expert meeting should continue its work by exchanging information on common reasons for refusals and delays in mutual legal assistance requests related to corruption offences under the Convention and on international cooperation in civil and administrative proceedings related to cases of corruption and possible measures to protect the confidentiality of the information provided in the context of assistance in criminal, civil and administrative measures.

II. Organization of the meeting

A. Opening of the meeting

4. The seventh open-ended intergovernmental expert meeting to enhance international cooperation under the United Nations Convention against Corruption was held in Vienna on 8 June 2018.

5. The seventh expert meeting was chaired by Ignacio Baylina Ruiz (Spain).

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B. Adoption of the agenda and organization of work

6. On 8 June 2018, the seventh expert meeting adopted the following agenda:

1. Opening of the meeting.
2. Adoption of the agenda and organization of work.
3. Implementation of chapter IV of the United Nations Convention against Corruption: lessons learned, good practices and challenges.
4. Civil and administrative proceedings relating to corruption.
5. Tools and services of the United Nations Office on Drugs and Crime to promote international cooperation.
6. Adoption of the report, including conclusions and recommendations.

C. Attendance

7. The following States parties to the United Nations Convention against Corruption were represented at the meeting: Algeria, Angola, Austria, Bahrain, Belgium, Benin, Bhutan, Bolivia (Plurinational State of), Brazil, Brunei Darussalam, Burkina Faso, Cambodia, Canada, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cyprus, Czechia, Dominican Republic, Ecuador, Egypt, El Salvador, Eswatini, France, Gabon, Germany, Ghana, Greece, Guatemala, Guinea, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Israel, Italy, Japan, Kazakhstan, Kenya, Kiribati, Kuwait, Kyrgyzstan, Lebanon, Lesotho, Libya, Malawi, Malaysia, Malta, Mauritius, Mexico, Morocco, Myanmar, Nepal, Netherlands, New Zealand, Nigeria, Norway, Oman, Pakistan, Palau, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Saudi Arabia, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Switzerland, Tajikistan, Thailand, Togo, Tunisia, Turkey, Tuvalu, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen and Zimbabwe.

8. The European Union, a regional economic integration organization that is a party to the Convention, was represented at the meeting.

9. The World Bank, a specialized agency of the United Nations system, was represented by an observer.

10. The Basel Institute of Governance, an institute of the United Nations crime prevention and criminal justice programme network, was represented by an observer.

11. The following intergovernmental organizations were represented by observers: Cooperation Council for the Arab States of the Gulf, International Anti-Corruption Academy, International Criminal Police Organization (INTERPOL), International Organization for Migration and Organization for Security and Cooperation in Europe.

12. The Sovereign Military Order of Malta, an entity maintaining a permanent observer office at Headquarters, was represented.

III. Implementation of chapter IV of the United Nations Convention against Corruption: lessons learned, good practices and challenges

13. In an effort to enhance the exchange of information and synergies between the open-ended intergovernmental expert meetings to enhance international cooperation under the United Nations Convention against Corruption and the Working Group on International Cooperation established by the Conference of the Parties to the United

Nations Convention against Transnational Organized Crime, a representative of the Secretariat provided an overview of the salient outcomes of the deliberations at the ninth meeting of the Working Group on International Cooperation, which had been held in Vienna on 30 and 31 May 2018, back to back with the eleventh meeting of the Working Group of Government Experts on Technical Assistance.

14. The two above-mentioned working groups considered the agenda item entitled "Preparation of the questionnaire to review the implementation of the United Nations Convention against Transnational Organized Crime", with the aim of furthering their ongoing discussion to explore all options regarding an appropriate and effective mechanism for the review of implementation of the Organized Crime Convention and the Protocols thereto. The working groups also considered good practices for effective training and legislative assistance to enhance the implementation of the Organized Crime Convention and engaged in a discussion of challenges faced in the course of extradition proceedings, including (a) consultations between the requested and the requesting State; (b) sharing of information regarding extradition proceedings; and (c) technical assistance at the regional and global levels to support central authorities. The working groups were also briefed about the release and online availability of the redeveloped version of the Mutual Legal Assistance Request Writer Tool. The tool was revised to include additional types and means of mutual legal assistance to serve as guidance for practitioners involved in the drafting of requests. The tool was made available as an open resource on the website of the United Nations Office on Drugs and Crime (UNODC) (see www.unodc.org/mla/en/index.html). In the ensuing discussion, several speakers welcomed the presentation and noted the benefits of information exchange and synergies in that context. One speaker encouraged the participation of anti-corruption experts in the Working Group on International Cooperation relating to the Organized Crime Convention due to the similar nature of the tools and cooperation mechanisms available under the respective instruments.

15. A representative of the Secretariat presented the most prevalent trends and findings in the implementation of chapter IV of the United Nations Convention against Corruption, based on an analysis of the completed reviews of the first cycle of the Mechanism for the Review of Implementation of the Convention, as well as challenges in the implementation of chapter IV of the Convention. The representative provided an oral update on the ongoing work to develop a set of non-binding recommendations and conclusions based on lessons learned regarding the implementation of chapters III and IV of the Convention during the first review cycle. The relevant paper (CAC/COSP/2017/5), submitted to the Conference pursuant to Conference resolution 6/1, analysed the outcomes of the country reviews in terms of identified successes, good practices, challenges, observations and technical assistance needs, based on an analysis of over 5,000 recommendations and nearly 1,000 good practices identified in 149 completed country reviews of the first cycle, as well as written submissions received from States parties. It was noted that an updated version of the paper would be made available to the Implementation Review Group to inform further discussion. A fuller analysis of these issues, and the outcomes of the first review cycle in general, is included in the second edition of the study, *State of Implementation of the United Nations Convention against Corruption: Criminalization, Law Enforcement and International Cooperation*, published for the seventh session of the Conference.

16. In the ensuing discussion, speakers recalled that effective international cooperation was of paramount importance in the fight against corruption. Several speakers reported on legislative, administrative and other measures taken with the aim of achieving the shared goal of eliminating safe havens for corrupt officials and funds. Several speakers shared their national experiences in making and receiving requests for extradition and mutual legal assistance and described challenges and successes in concrete cases. Several delegates underscored the need to remove obstacles to international cooperation and emphasized the importance of flexibility, a proactive approach, effectiveness and the simplification of requirements with a view

to ensuring the timely and efficient provision of international cooperation, in line with paragraph 24 of article 46 of the Convention. Some delegations noted that the simplification of requirements should take into account due process considerations. The benefits of establishing and maintaining informal channels of communication among competent authorities, both prior and in parallel to the formal international cooperation procedures, were repeatedly emphasized as a means of achieving greater efficiency and effectiveness of international cooperation. Various regional and international networks, platforms and forums, as well as law enforcement channels and arrangements, were referred to in this regard, as were specific mechanisms for cooperation and communication among financial intelligence units, including through the Egmont Group of Financial Intelligence Units. The benefits of continued exchange of information and experiences in the context of practitioner networks and under the umbrella of the Convention were emphasized. Some speakers also urged States parties to update the information in the UNODC online directory of competent national authorities under the Convention, including on central authorities for mutual legal assistance, to allow for more direct contacts.

17. Several speakers underlined the importance of using the Convention as a legal basis for international cooperation and welcomed the Secretariat's analysis of statistical information in this regard. Some speakers noted that the data suggested that there was greater potential for effective international cooperation using the tools and mechanisms of the Convention and in this context referred to existing challenges to effective cooperation. Several speakers encouraged States parties, including those requiring a treaty basis, to continue efforts to use the Convention in practice, including for non-coercive measures, while other speakers noted the usefulness of other regional and multilateral agreements or arrangements.

18. Some speakers described the challenges in obtaining information on international cooperation requirements at the national level and the usefulness of guidance, templates and information to facilitate the making of effective international cooperation requests. Furthermore, some speakers urged the continued collection and analysis of information on common reasons for refusals of and delays in mutual legal assistance in corruption-related cases, in accordance with Conference resolution 7/1, in order to develop a road map to deal with these issues.

19. Several speakers referred to the value of the implementation reviews under chapter IV of the Convention in identifying challenges and good practices in international cooperation. The importance of technical assistance was also mentioned in this regard. Some speakers urged States parties to continue to share relevant information on good practices in international cooperation. In that regard, some speakers encouraged reviewed States to publish their full country review report. One speaker noted that States parties should continue to proactively exchange information on their good practices in international cooperation in fighting corruption and explore other valuable sources of information, including information publicly available from reports such as those prepared by the Financial Action Task Force.

20. One speaker emphasized the importance and benefits of international cooperation with respect to civil and administrative proceedings related to corruption, including for the purposes of asset recovery, and encouraged experts to further study that matter.

21. In respect of law enforcement cooperation, as foreseen under article 48 of the Convention, one speaker suggested the development of a template and procedure for information requests for the purposes of law enforcement cooperation. In the context of article 59 of the Convention, one speaker referred to the Global Forum on Asset Recovery as a valuable initiative to advance international cooperation in criminal matters in practice, as well as to develop bilateral and multilateral agreements and arrangements in accordance with Conference resolution 7/2.

22. A representative of the Secretariat provided an update on the implementation of the mandates contained in previous Conference resolutions and emanating from previous expert group meetings. He referred to a note verbale dated 9 February 2018,

sent with a view to collecting information on electronic tools and systems for processing and tracking requests for mutual legal assistance; common reasons, observed in the practice of relevant authorities, given for refusals and delays in responding to mutual legal assistance requests related to offences under the Convention and possible suggestions for how to avoid such refusals and delays; international cooperation in civil and administrative proceedings related to cases of corruption; suggestions on possible measures to protect the confidentiality of the information requested for the purposes of civil and administrative proceedings related to cases of corruption in the requesting country, where the relevant matter was addressed by criminal proceedings in the requested country; statistics and cases on the use of the Convention as a legal basis for mutual legal assistance by relevant authorities including, where appropriate and consistent with domestic legal systems, in relation to civil and administrative proceedings; information on practical challenges arising in the work of central authorities responsible for requests under the Convention; and information on States parties' approaches and practices to the handling of mutual legal assistance requests of a *de minimis* nature. The extent of the information provided varied: a few States provided comprehensive information, while some provided limited information. All responses received from States parties as of 15 March 2018 containing substantive information were summarized in the progress report (CAC/COSP/EG.1/2018/2). The Secretariat noted that additional information was required in order to draw comprehensive conclusions on the matters identified and that more information was expected to be available after the completion of the second cycle of the Implementation Review Mechanism. He informed the Group that the Secretariat would continue to analyse the information received from States parties and would make it available at future meetings.

23. In its resolution 7/1, the Conference had welcomed the recommendations of the sixth open-ended intergovernmental expert meeting to enhance international cooperation under the Convention. In those conclusions and recommendations, the expert meeting, inter alia, had recommended that States parties should continue their efforts with regard to bridging the gap between different legal systems, particularly in the area of criminal procedure and evidence standards, by using the Convention as a legal basis, and by concluding detailed bilateral treaties and arrangements on mutual legal assistance.

24. In the same resolution, the Conference had requested the Secretariat to continue, within existing resources, to collect statistics or other relevant information on the use of the Convention as a legal basis for mutual legal assistance and to make the information available to the Conference.

25. The sixth open-ended intergovernmental expert meeting to enhance international cooperation under the Convention, held in Vienna on 6 and 7 November 2017, had recommended that the Secretariat continue its work on the analysis of practical challenges arising in the work of central authorities responsible for requests under the United Nations Convention against Corruption with a view to strengthening their effectiveness and efficiency.

26. As recommended at the sixth expert meeting, the discussion under this agenda item was informed by a thematic panel on common challenges faced by countries when requesting and responding to requests for mutual legal assistance with regard to those who committed offences under the Convention, as well as good practices in this area. Experts from Kazakhstan and the United States, as well as the British Virgin Islands and Guernsey, shared their experiences.

27. The panellist from the United States presented best practices and lessons learned by the Office of International Affairs of the United States Department of Justice in the area of international cooperation in corruption related cases. She underlined the importance of partnerships with the competent authorities at both the national and international levels and highlighted the crucial role of police-to-police cooperation in investigating transnational corruption cases. The panellist explained that the Office of International Affairs could provide assistance on the basis of both bilateral and

multilateral treaties and in the absence thereof. Pursuant to articles 43 and 46 of the Convention, the Office of International Affairs provided broad assistance in criminal matters including in cases of non-conviction-based forfeiture. The panellist also noted that assistance in civil matters may be provided through a civil process administered by the Civil Division of the Department of Justice. She further elaborated on the different types of evidence that the Office of International Affairs could assist in gathering, including bank and business records and electronic evidence, in addition to locating, identifying, contacting and interviewing witnesses. With regard to seizing and recovering assets, the panellist explained that the crime and the evidence should first be identified (typically using police-to-police cooperation channels), in order to demonstrate (a) the link between the assets and the crime, and (b) the need to initiate law enforcement measures pertaining to seizing, freezing, confiscating and ultimately returning assets.

28. The panellist informed the meeting about the type of information that should be included in assistance requests to the United States and mentioned several cases where requests for assistance received were based on the Convention. The panellist recommended that when making inquiries to the Office of International Affairs on specific issues, contact be made through national central authorities, and she underscored that successful international cooperation was a shared responsibility between requesting and requested States.

29. The panellist representing the Financial Investigation Agency of the British Virgin Islands noted that international cooperation could pose challenges, especially given the number of legal entities registered in the British Virgin Islands. Sharing of information about those entities was a challenge because many of those entities only maintained a legal presence in the territory. He noted that two main agencies were responsible for international cooperation in the British Virgin Islands: the Attorney General's Chambers, which was the central authority; and the Financial Investigation Agency (the financial intelligence unit), which was established in 2004 and was a member of the Egmont Group. The panellist further explained that the Financial Investigation Agency had additional responsibility to execute mutual legal assistance requests. In addition to exchanging information on the basis of the Egmont Group's principles of information exchange, the Agency was able to exchange information on the basis of reciprocity and trust. The Agency dealt only with law enforcement agencies or other financial intelligence units and was able to provide information within 21 days, for intelligence purposes only. The information was not to be shared with third parties without the authorization of the Agency. The panellist concluded by recommending that informal consultations be conducted, or informal requests for information be sent, prior to the initiation of formal mutual legal assistance requests.

30. The panellist from Guernsey, representing the Attorney General's Chambers, informed the meeting that the Attorney General was the central authority of Guernsey for mutual legal assistance. He gave an overview of the economy of Guernsey, which was largely based on financial services. He further referred to Guernsey's participation in the Camden Asset Recovery Inter-Agency Network (CARIN) and the work carried out in cooperation with the UNODC/World Bank Stolen Asset Recovery (StAR) Initiative, whereby the authorities in Guernsey provided and received assistance, thereby improving their knowledge and ability to cooperate at the international level. The panellist also noted that all the financial services had been regulated, which allowed Guernsey to provide high-standard, quality information upon request. He further emphasized the importance of the timely submission of requests and quality of the information provided for the purposes of international cooperation. Guernsey's permissive and broad mutual legal assistance regime allowed for the provision of timely and useful information to requesting parties. He explained that spontaneous sharing of relevant information through the Egmont Group was the norm and that the authorities in Guernsey were ready to further cooperate with interested countries based on information exchange. It was highlighted that in some cases requesting States were facing problems of a residual nature at the national level because of actions taken by previous Governments. Such problems prevented those

States from preparing effective requests, which subsequently had an impact on the ability of Guernsey to provide assistance. The panellist urged States to carefully consider making informal requests before proceeding with formal mutual legal assistance requests. He concluded that international cooperation had legal and practical complexities, which, however, could be overcome provided that the requesting and the requested jurisdictions understood them and were willing to solve them together.

31. The panellist from Kazakhstan presented his country's experience in obtaining mutual legal assistance in corruption matters. He explained that more than 10 billion United States dollars had been stolen from Kazakhstan over the past 10 years and that more than 1,500 fugitives had escaped from justice to more than 200 countries. The panellist informed the expert group meeting of the stolen asset recovery project undertaken by the Prosecutor General's Office, which included developing clear and short guidelines for investigators and prosecutors, including on the basis of templates prepared by the StAR Initiative, and synchronizing the efforts of the financial intelligence unit and law enforcement authorities. He further explained that the guidelines and templates were based on good international practices, inter alia, those developed by UNODC and the StAR Initiative, and had been adapted to local conditions and requirements of the legal system of Kazakhstan. He also noted that Kazakhstan had joined CARIN and the Asset Recovery Inter-Agency Network for Asia and the Pacific (ARIN-AP) with the assistance of the StAR Initiative. Regarding the search and seizure of ill-gotten proceeds abroad, the panellist emphasized the use of four essential tools, which were deployed depending on the type of assistance or information sought: the Egmont Group channel, the inter-agency network channels such as CARIN and INTERPOL, open-source intelligence, and mutual legal assistance channel. The panellist concluded by presenting a case study involving a former manager of a national bank accused of embezzling over 7.5 billion United States dollars. He highlighted the challenges faced in that case, including the use of shell companies to launder the funds and the difficulty of linking the stolen assets to the predicate offence. The panellist noted that the case also involved the submission of more than 400 assistance requests and a civil claim initiated abroad by the bank as a victim in order to claim damages in excess of 4 billion United States dollars, as a result of which more than 1 billion dollars' worth of assets had been recovered in different jurisdictions.

32. In the ensuing discussion, speakers welcomed the panel presentations and the opportunity to exchange practical information on common challenges faced by countries when requesting and responding to requests for mutual legal assistance. One speaker shared his country's experience in supporting transnational corruption investigations and prosecutions, regardless of where the case was ultimately disposed of, with a view to supporting the resolution of such cases through international cooperation. In response to a question posed to a panellist in regards to worldwide confiscation orders, the significance of such orders as a tool for effective international cooperation was emphasized. Speakers also highlighted the benefits of value-based confiscation, as foreseen under paragraph 1 (a) and paragraph 2 of article 31 of the Convention. One speaker referred to the forthcoming European Union directive on countering money-laundering by criminal law, which would bring more instruments to improve the fight against money-laundering and terrorist financing across the European Union, including measures related to non-conviction-based confiscation.

IV. Civil and administrative proceedings relating to corruption

33. A representative of the Secretariat presented a summary of the information collected pursuant to Conference resolutions 6/4 and 7/1 on practical issues encountered by States parties when requesting and providing assistance in investigations of and proceedings in civil and administrative matters related to cases of corruption, and possible measures to protect the confidentiality of the information provided in the context of assistance in criminal, civil and administrative measures.

34. In response to a note verbale sent by the Secretariat, most of the States had reported that they had limited or no experience in international cooperation in civil and administrative proceedings related to cases of corruption. Some States reported that they could provide assistance only with regard to criminal measures, while some noted that there were no obstacles in their legal system to providing such assistance.

35. Suggestions made by States regarding enhancing measures to protect the confidentiality of the information had included making confidentiality an explicit requirement when submitting the request, better coordination and consultation between the parties, and the development of procedural guidance on this subject.

36. In the ensuing discussion, some speakers reported specific measures that their countries had taken in order to effectively apply anti-corruption civil and administrative mechanisms in line with the Convention. One speaker expressed her country's support for the work of the Secretariat and that of the expert meeting in exploring cooperation in civil and administrative proceedings relating to corruption. She noted that in recent complex corruption cases involving foreign jurisdictions, her country continued to face serious obstacles to cooperation in the context of non-criminal proceedings, and emphasized the need for improvements and further efforts in that field. Noting the limited number of responses to this agenda item, another speaker suggested postponing further consideration of this issue until there were sufficient data to reach conclusions.

V. Tools and services of the United Nations Office on Drugs and Crime to promote international cooperation: an update

37. A representative of the secretariat, recalling chapter IV (International cooperation) of the United Nations Convention against Corruption and the requirements of the terms of reference of the review mechanism, introduced the technical assistance and other activities relevant to international cooperation under the Convention. He indicated that UNODC continued to provide capacity-building services to States parties. UNODC also participated in meetings and conferences aimed at coordinating international cooperation, including the meetings of the Group of 20 Anti-Corruption Working Group at which a research paper on practical trends and challenges in international cooperation in corruption matters based on the outcome of the first review cycle had been presented. UNODC also organized a regional workshop on international cooperation in financial investigations, anti-money-laundering and recovery of assets, focusing on the recommendations stemming from the first cycle of the Implementation Review Mechanism, for law enforcement agencies, prosecutors and financial intelligence units from six countries in South Asia, and participated in the regional conference on the prevention and fight against terrorism and the proliferation of weapons of mass destruction and its financing in Latin America and the Caribbean. The representative also highlighted the launch of the online version of the UNODC Mutual Legal Assistance Request Writer Tool.

38. Another representative of the Secretariat gave an update on the online directory of competent national authorities under the United Nations Convention against Corruption. She introduced the five different types of authorities whose information was collected by the secretariat pursuant to articles 6 and 46 of the Convention and following the recommendations of the Conference of the States Parties and the expert meeting to enhance international cooperation under the Convention.

39. The representative of the Secretariat indicated that as of 30 May 2018, 113 States parties had provided information about their prevention authorities, pursuant to article 6, paragraph 3, of the Convention; 129 States parties had provided information regarding their central authorities for mutual legal assistance in accordance with article 46, paragraph 13, of the Convention; 80 States parties had shared information with regard to their asset recovery focal points, in accordance with Conference resolution 4/4; 23 States parties had designated their central authorities

for extradition, pursuant to the recommendation made at the fifth expert meeting; and 30 States parties had provided information about their focal points on the use of civil and administrative proceedings relating to corruption, in accordance with Conference resolution 6/4 and the recommendation made at the fifth expert meeting. The representative explained the procedure of submitting updates to the directory and encouraged States parties to continue providing information on their competent national authorities, with a view to strengthening the directory's usefulness in facilitating effective international cooperation.

40. Several speakers welcomed the development by the Secretariat of online tools, including the mutual legal assistance request writer tool, the *Manual on International Cooperation for the Purposes of Confiscation of Proceeds of Crime*, which addressed value-based confiscation, and the online directory of competent national authorities, and requested the Secretariat to continue to update the information held in that directory. Some speakers urged all States parties to submit the pertinent information to the directory. One speaker underlined his country's financial support for the maintenance of the online tools provided by the Secretariat, while another speaker suggested that the Secretariat facilitate access for practitioners to the tools available on the UNODC website. In that regard, one speaker recommended that UNODC continue to enhance its website containing all tools and resources pertaining to international cooperation, especially those for mutual legal assistance, and proposed to include a link to the above-mentioned *Manual on International Cooperation for the Purposes of Confiscation of Proceeds of Crime*.

VI. Conclusions and recommendations

41. The seventh expert meeting reiterated the importance of States parties providing to each other the greatest possible extent of assistance in the investigation and prosecution of corruption offences and enhancing the efficiency of international cooperation by endeavouring to simplify relevant procedures, in accordance with domestic law.

42. The seventh expert meeting reaffirmed the recommendations made at the third, fourth, fifth and sixth expert meetings (see CAC/COSP/EG.1/2014/3, CAC/COSP/EG.1/2015/3, CAC/COSP/EG.1/2016/2 and CAC/COSP/EG.1/2017/3).

43. Furthermore, the seventh expert meeting agreed on the following recommendations:

(a) States parties to the United Nations Convention against Corruption should continue their efforts with regard to proactively cooperating in matters related to extradition, mutual legal assistance and law enforcement cooperation using the Convention as a legal basis and giving relevant requests priority, subject to the requirements of their domestic legal systems;

(b) States parties are encouraged to continue to provide to the Secretariat information on challenges and good practices in international cooperation and other topics outlined in the Conference's resolutions and the recommendations of the expert meetings, with a view to the Secretariat continuing its analytical work with regard to challenges in international cooperation based on the Convention;

(c) States parties are encouraged to regularly update the information contained in the directory of competent national authorities;

(d) States parties that have not yet done so should consider supplying information for inclusion in the directory of competent national authorities;

(e) States parties should continue to promote formal and informal channels of cooperation and to establish efficient and effective communication channels, including where feasible, by exchanging liaison officers and participating in practitioners' networks;

(f) States parties are encouraged to consider, where appropriate and consistent with their legal systems, more actively cooperating in civil and administrative measures in the context of transnational cooperation in corruption cases;

(g) States parties should actively support the provision of technical assistance in the area of international cooperation and should facilitate the organization of training courses and expert meetings to that effect, with a view to creating further platforms for information and knowledge exchange;

(h) States parties are encouraged to consider publishing or making publicly available the final verdicts in cases involving corruption;

(i) States parties are encouraged to continue to actively participate, including through relevant competent authorities, anti-corruption bodies and practitioners involved in mutual legal assistance and extradition, in future expert meetings to enhance international cooperation under the United Nations Convention against Corruption and in meetings of other working groups organized under the auspices of the Conference of the States Parties;

(j) The Secretariat should continue its analytical work by seeking information from States parties, in particular in relation to the reasons for refusal of mutual legal assistance requests based on the Convention and related procedural timelines, in order to develop a road map to address related issues in the future;

(k) The Secretariat should continue its efforts to ensure synergies between the work of the open-ended intergovernmental expert meetings to enhance international cooperation under the United Nations Convention against Corruption and the work of the Working Group on International Cooperation established by the Conference of the Parties to the United Nations Convention against Transnational Organized Crime.

VII. Adoption of the report

44. On 8 June 2018, the seventh expert meeting adopted its report (CAC/COSP/EG.1/2018/L.1 and the parts of the draft report on items 3, 4 and 5, as well as the conclusions and recommendations of the meeting).